UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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PINNACLE ENVIRONMENTAL CORPORATION,   :
                  :

          Plaintiff,   :

                  :

      -v-   :   23-CV-10732 (JMF)

                  :

VOLMAR CONSTRUCTION, INC. et al.,   :   ORDER OF DISMISSAL

                  :

         Defendants.   :

                  :
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JESSE M. FURMAN, United States District Judge:

      The Court was advised at ECF No. 80 that all claims between Plaintiff and Defendant in this case have been settled. Further, the Court's November 25, 2024 Memorandum Opinion and Order resolved the claims between Third-Party Plaintiff and Third-Party Defendant and directed the Clerk of Court to enter judgment in Third-Party Defendant's favor. *See* ECF No. 81.

      The Clerk of Court is reminded to enter judgment on the Amended Third-Party Complaint consistent with that Memorandum Opinion and Order. Further, it is hereby ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen of Plaintiff or Defendant to reopen **within sixty days** of the date of this Order if their settlement is not consummated.

      To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted.**

      If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be "so ordered" by the Court. Per Paragraph 5.B of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

      Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to enter judgment on the Amended Third-Party Complaint in accordance with ECF No. 81 and to close the case.

      SO ORDERED.

Dated: December 9, 2024
      New York, New York

                          JESSE M. FURMAN
                        United States District Judge